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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
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| 10/650,095 | 08/26/2003 | Bob Cohn | 3998355-141582 | 5894 | |
| Porter, Wright, Morris & Arthur LLP ATTN: Intellectual Property Department 28th Floor 41 South High Street Columbus, OH 43215-6194 | | | EXAMINER | | |
| | | | DAVIS, CASSANDRA HOPE | | |
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| Columbus, Off | 43213-0134 | | DATE MAILED: 07/08/2004 | DATE MAILED: 07/08/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Calaminar | | Application No. | Applicant(s) | 9 | | | |
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| The actions of the substitute of the content of the | The MAILING DATE of this communication app Period for Reply | pears on the cover sheet with the | correspondence add | ress | | | |
| 1) Responsive to communication(s) filed on | Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing. | 36(a). In no event, however, may a reply be to within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS from | imely filed lys will be considered timely. n the mailing date of this com | munication. | | | |
| 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-22 is/are pending in the application. 4a) Of the above claim(s) 19-22 is/are withdrawn from consideration. 5) Claim(s) 1-37-9,12-14 and 17 is/are rejected. 7) Claim(s) 1-37-9,12-14 and 17 is/are rejected to. 8) Claim(s) 1-37-9,12-14 and 17 is/are objected to. 9) The specification is objected to by the Examiner. 4application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Indrapscentr's Patent Drawing Review (PTO-948) Notice of Indrapscentr's Patent Application (PTO-152) Paper No(s)/Mail Date 5 Notice of Indrapscentry Patent Application (PTO-152) Paper No(s)/Mail Date 5 Notice of Indrapscentry Patent Application (PTO-152) Paper No(s)/Mail Date 5 Notice of Indrapscentry Patent Application (PTO-152) | Status | | | | | | |
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| | .S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office Active | | | · | | | |

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-17, drawn to a device for displaying, classified in class 40, subclass 606.01.
 - II. Claims 18-22, drawn to method of making a display device, classified in class 156, subclass ***.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claim can be made by another process such extruding a sheet having a first and second layer, die cutting the sheet, providing a hanger for supporting the device.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Richard Mescher on June 24, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1, 2, 3, 6, 7, 8, 9, 12-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu, US 20030051378A1 in view of Snidermann, US006265035B1 Liu teaches a card comprising a plate member 1, and adhesive layer 122 and picture 12 adhered to the both sides of the plate member using the adhesive layer. Snidermann teaches a ornament comprising a plate and a swivel hook for attaching the plate to a Christmas tree (support member). It would have been obvious to one having ordinary skill in the art at the time this invention was made to support the card taught by Liu upon a Christmas tree as taught by Snidermann to provide a means to enhance the aesthetic appearance of the tree.

Allowable Subject Matter

7. Claims 4, 5, 10, 11, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Cassandra Davis **Primary Examiner** Art Unit 3611

CD June 28, 2004